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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/692,314 08/05/96 HAMLIN

R 910458.CDA

JOHN J. GAGEL
FISH & RICHARDSON, P.C.
225 FRANKLIN STREET
BOSTON MA 02110-2804

IM22/0213

EXAMINER

DYE, R

ART UNIT

PAPER NUMBER

1772

DATE MAILED:

02/13/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
08/692,314

Applicant(s)
Hamlin

Examiner
Rena L. Dye

Group Art Unit
1772



☒ Responsive to communication(s) filed on Nov 20, 2000

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 206-217 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 206-217 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

Introduction

1. Claims 206-217 are currently pending in this patent application.

Claim Rejections - 35 USC § 112

2. Claims 206-217 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

In the "Summary of the Invention" in the present specification, Applicant discloses that a tensile layer is combined as an outer layer with a chemically and physically compatible adhesion or bonding inner layer (page 2, last paragraph). Therefore, Applicant's specification does not clearly support a layer of PEEK or PEK located as the inner layer, or a different polymeric layer as the outer layer. Therefore, the PEEK or PEK should be specifically claimed as the outer layer, and the second layer recited as the inner layer. Applicant's claims are recited more broadly than the present specification will support.

See page 4, line 14+

3. Claims 206-217 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one

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skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

In claim 206, the recitation of "the second layer comprises a second polymeric material different from the first polymeric material" is not clearly supported by the present specification. The present specification supports the tensile layer is combined as an outer layer with a chemically and physically compatible adhesion or bonding inner layer at page 2, last paragraph. Suitable adhesion materials for the bonding layer are listed at the top of page 4 of the present specification. It is the Examiner's position that the inner layer (or different polymer material) should be claimed as an adhesion material or bonding layer as clearly supported by the present specification. Again, Applicant's claims are recited more broadly than the present specification will support.

Double Patenting

4. The rejection of claims 206-217 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-18 of U.S. Patent No. 5,270,086, has been withdrawn in view of Applicant's filing of a terminal disclaimer.

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Examiner's Comments

5. After a careful review of the file, the Examiner has deemed it necessary to apply the rejections under 35 USC 112, first paragraph as discussed above. The Examiner would be willing to favorably consider the present claims for allowance if amended to overcome these rejections.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to R. Dye whose telephone number is (703) 308-4331.



Rena L. Dye
Primary Examiner
Tech Center 1700

R. Dye
February 11, 2001